

AMENDED IN ASSEMBLY AUGUST 7, 2006

AMENDED IN SENATE MAY 23, 2006

AMENDED IN SENATE MAY 3, 2006

AMENDED IN SENATE APRIL 20, 2006

SENATE BILL

No. 1278

Introduced by Senator Alquist
(Principal coauthor: Senator Alarcon)
(Principal coauthor: Assembly Member Liu)

February 10, 2006

An act to amend Sections 8870, 8870.1, 8870.2, 8870.3, 8870.35, 8870.4, 8870.5, 8870.71, 8870.9, 8870.95, and 12804 of, to add Section ~~8870.05~~ 8870.51 to, and to repeal Section 8870.25 of, the Government Code, relating to the Seismic Safety Commission, *and making an appropriation therefor*.

LEGISLATIVE COUNSEL'S DIGEST

SB 1278, as amended, Alquist. Alfred E. Alquist Seismic Safety Commission.

The Seismic Safety Commission Act creates the Seismic Safety Commission in state government and requires it to report annually to the Governor and Legislature on its findings, progress, and recommendations relating to earthquake hazard reduction. Members of the commission are paid per diem expenses of \$50 for each day's attendance at a commission meeting.

This bill would ~~rename the act the Alfred E. Alquist Seismic Safety Commission Act~~, and rename the commission the Alfred E. Alquist Seismic Safety Commission. It would place the commission within the State and Consumer Services Agency as an independent unit.

Existing law establishes the membership of the commission to consist of 17 members.

This bill would increase the membership of the commission to 20 members.

The commission is authorized to conduct a specific comprehensive investigation of a May 2, 1983, earthquake involving Coalinga, provide funding and expert technical assistance to the people of Coalinga for planning and reconstruction, and prepare and publish a comprehensive report on the Coalinga earthquake.

This bill would increase the commission member's per diem to \$100, with certain exceptions, and would delete the commission's duties specific to the 1983 Coalinga earthquake.

Existing law provides funding to the commission from the Seismic Safety Account, a special account within the Insurance Fund.

The bill would create the California Earthquake Research Fund, continuously appropriate moneys in that fund to the commission solely for the purpose of research related to earthquake reduction, and transfer the remaining funds from the California Research and Assistance Fund to the California Earthquake Research Fund.

This bill would make technical corrections.

Vote: ~~majority~~^{2/3}. Appropriation: ~~no~~ yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 8870 of the Government Code is
2 amended to read:
3 8870. The Legislature finds and declares as follows:
4 First, many different agencies at various levels of government
5 have substantial responsibilities in the fields of earthquake
6 preparedness and seismic safety.
7 Second, there is a pressing need to provide a consistent policy
8 framework and a means for coordinating on a continuing basis
9 the earthquake-related programs of agencies at all governmental
10 levels and their relationships with elements of the private sector
11 involved in practices important to seismic safety. This need is not
12 being addressed by any continuing state government
13 organization.

1 Third, through concerted efforts of broad scope, coordinated by
2 a Seismic Safety Commission, long-term progress should be
3 made toward higher levels of seismic safety.

4 Fourth, to provide and maintain effective policy guidance and
5 leadership on seismic safety issues, and to fulfill its duties under
6 this chapter, it is imperative that the State Seismic Safety
7 Commission carry out its mission as an independent state agency,
8 with direct access and accountability to the Governor and the
9 Legislature.

10 Fifth, it is not the purpose of this chapter to transfer to the
11 commission the authorities and responsibilities now vested by
12 law in state and local agencies.

13 ~~SEC. 2. Section 8870.05 is added to the Government Code, to~~
14 ~~read:~~

15 ~~8870.05. This chapter shall be known, and may be cited, as~~
16 ~~the Alfred E. Alquist Seismic Safety Commission Act.~~

17 ~~SEC. 3.~~

18 SEC. 2. Section 8870.1 of the Government Code is amended
19 to read:

20 8870.1. (a) (1) There is created in the state government the
21 Alfred E. Alquist Seismic Safety Commission as an independent
22 unit within the State and Consumer Services Agency.

23 (2) Any reference in statute or regulation to the Seismic Safety
24 Commission shall be deemed to refer to the Alfred E. Alquist
25 Seismic Safety Commission.

26 (b) The commission shall report annually to the Governor and
27 to the Legislature on its findings, progress, and recommendations
28 relating to earthquake hazard reduction, and any other seismic
29 safety issues, as requested by the Governor or the Legislature.

30 ~~SEC. 4.~~

31 SEC. 3. Section 8870.2 of the Government Code is amended
32 to read:

33 8870.2. (a) The Alfred E. Alquist Seismic Safety
34 Commission shall consist of 15 members appointed by the
35 Governor and confirmed by the Senate, one member representing
36 the Governor's Office of Emergency Services, one member
37 representing the Division of the State Architect in the
38 Department of General Services, one member representing the
39 California State Building Standards Commission, one member
40 appointed by the Senate Rules Committee, and one member

1 appointed by the Speaker of the Assembly. The commission shall
2 elect annually from its membership its own chairperson and vice
3 chairperson and may replace them with other commissioners by
4 majority vote. Commission members shall be residents of
5 California.

6 (b) A quorum shall consist of 11 members if there are no
7 vacancies, or else a majority of the members of the commission
8 at the time.

9 (c) The Legislature declares that the individuals appointed to
10 the commission are intended to represent the professions of
11 architecture, planning, fire protection, public utilities, structural
12 engineering,—~~soils~~ *geotechnical* engineering, geology,
13 seismology, local government, insurance, social services,
14 emergency services, and the Legislature and that such
15 representation serves the public interest. Accordingly, the
16 Legislature finds that for purposes of persons who hold this
17 office the specified professions are tantamount to and constitute
18 the public generally within the meaning of Section 87103.

19 (d) The commission exists as a separate unit within the State
20 and Consumer Services Agency, and has the functions of
21 prescribing policy, holding meetings and setting dates of the
22 meetings, conducting investigations, and holding hearings insofar
23 as those powers are given by statute to the commission.

24 (e) The decisions and actions of the commission, with respect
25 to exercising its authority and carrying out its duties under this
26 chapter, or any other applicable law, are not subject to review by
27 the Secretary of the State and Consumer Services Agency, but
28 are final within the limits provided by this chapter.

29 (f) The Legislature further declares that the highest level of
30 service that the individuals appointed to the commission can
31 provide to the residents of California is to offer professional,
32 unbiased, scientifically based advice to the Governor and the
33 Legislature. To maintain this quality of service, it is imperative
34 that the commission retain its functional autonomy and access to
35 the Governor and the Legislature. As such, the commission shall
36 retain its existing authority to issue reports, publications, and
37 literature, as well as to sponsor legislation, and to take official
38 positions on proposed state and federal legislation.

39 ~~SEC. 5.~~

40 *SEC. 4.* Section 8870.25 of the Government Code is repealed.

~~SEC. 6.~~

SEC. 5. Section 8870.3 of the Government Code is amended to read:

8870.3. (a) The membership of the Alfred E. Alquist Seismic Safety Commission shall be appointed by the Governor and confirmed by the Senate from lists of nominees submitted by organizations as listed below:

(1) ~~Three~~ Four members appointed from established organizations in the fields of architecture and planning, fire protection, public utilities, electrical engineering, and mechanical engineering.

(2) Four members appointed from established organizations in the fields of structural engineering, ~~soils~~ geotechnical engineering, geology, and seismology.

(3) Four members submitted by the League of California Cities and the California State Association of Counties.

(4) Three members appointed from established organizations in the fields of insurance, social services, and emergency services. *One of these members shall be a building official.*

(b) One member shall be appointed from the Senate by the Senate Rules Committee, and one member shall be appointed from the Assembly by the Speaker of the Assembly. Each of the members appointed pursuant to this subdivision may designate an alternate who shall be counted toward a quorum, who may vote, and who may receive the expenses specified in Section 8870.4.

~~SEC. 7.~~

SEC. 6. Section 8870.35 of the Government Code is amended to read:

8870.35. The term of office for each member of the Seismic Safety Commission shall be four years and each shall hold office until the appointment and qualification of his or her successor. However, of the initial commissioners, the Governor shall appoint seven members whose terms will expire two years after appointment and seven members plus the chairperson whose terms shall expire four years after appointment. All initial appointments shall be made by July 1, 1975. Any vacancies shall be immediately filled by the appointing power for the unexpired portion of the term in which they occur.

1 ~~SEC. 8.~~

2 *SEC. 7.* Section 8870.4 of the Government Code is amended
3 to read:

4 8870.4. (a) Except as provided in subdivision (d), the
5 members of the Alfred E. Alquist Seismic Safety Commission
6 shall serve without compensation but shall be paid per diem
7 expenses of one hundred dollars (\$100) for each day's attendance
8 at a meeting of the commission, plus actual necessary travel
9 expenses as determined by Department of Personnel
10 Administration rules.

11 (b) The members of the commission who represent the
12 Governor's Office of Emergency Services, the California
13 Building Standards Commission, and the Division of the State
14 Architect shall be employees in good standing of those respective
15 entities. Any per diem and travel expense of those members of
16 the commission shall be paid by the agencies that they represent
17 on the commission, in compliance with applicable conditions or
18 regulations set by the Department of Personnel Administration.

19 ~~SEC. 9.~~

20 *SEC. 8.* Section 8870.5 of the Government Code is amended
21 to read:

22 8870.5. The commission, in the discharge of its
23 responsibilities, may do any of the following:

24 (a) Accept grants, contributions, and appropriations from
25 public agencies, private foundations, or individuals.

26 (b) Appoint committees from its membership, appoint
27 advisory committees from interested public and private groups,
28 and appoint ex officio members who shall not be entitled to vote,
29 to advise the commission.

30 (c) Contract for or employ, with the approval of the Director
31 of Finance, any professional services and research required by
32 the commission or required for the performance of necessary
33 work and services which, in the commission's opinion, cannot
34 satisfactorily be performed by its officers and employees or by
35 other federal, state, or local governmental agencies.

36 (d) Enter into agreements to act cooperatively with private
37 nonprofit scientific, educational, or professional associations or
38 foundations engaged in promoting seismic safety in California.
39 These associations or foundations may furnish materials for sale,
40 and the commission may provide personnel services and office

1 space therefor. Subject to rules and regulations adopted by the
2 commission, all moneys received from the sale of publications or
3 other materials provided by an association or foundation shall be
4 returned to the association or foundation for use in furthering
5 seismic safety programs.

6 (e) Do any and all other things necessary to carry out the
7 purposes of this chapter.

8 *SEC. 9. Section 8870.51 is added to the Government Code, to*
9 *read:*

10 *8870.51. There is hereby created in the State Treasury the*
11 *California Earthquake Research Fund, which, notwithstanding*
12 *Section 13340, is continuously appropriated to the commission*
13 *for the sole purpose of research related to earthquake risk*
14 *reduction. The final distribution of funds from the dissolution of*
15 *the California nonprofit public benefit corporation called the*
16 *California Research and Assistance Fund, shall be deposited in*
17 *the Earthquake Research Fund.*

18 *SEC. 10. Section 8870.71 of the Government Code is*
19 *amended to read:*

20 *8870.71. To implement the foregoing responsibilities, the*
21 *commission may do any of the following:*

22 (a) Review state budgets and review grant proposals, other
23 than those grant proposals submitted by institutions of
24 postsecondary education to the federal government, for
25 earthquake related activities and to advise the Governor and
26 Legislature thereon.

27 (b) Review legislative proposals related to earthquake safety to
28 advise the Governor and Legislature concerning the proposals
29 and to propose needed legislation.

30 (c) Recommend the addition, deletion, or changing of state
31 agency standards when, in the commission's view, the existing
32 situation creates undue hazards or when new developments
33 would promote earthquake hazard mitigation, and conduct public
34 hearings as deemed necessary on the subjects.

35 (d) In the conduct of any hearing, investigation, inquiry, or
36 study that is ordered or undertaken in any part of the state,
37 administer oaths and issue subpoenas for the attendance of
38 witnesses and the production of papers, records, reports, books,
39 maps, accounts, documents, and testimony.

1 (e) In addition, the commission may perform any of the
2 functions contained in subdivisions (a) to (d), inclusive, in
3 relation to disasters, as defined in subdivision (c) of Section
4 8870.7, in connection with issues or items reported or discussed
5 with the Office of Emergency Services at any commission
6 meeting.

7 SEC. 11. Section 8870.9 of the Government Code is amended
8 to read:

9 8870.9. Prior to July 1, 2010, the Legislature shall hold public
10 hearings to receive testimony from the Alfred E. Alquist Seismic
11 Safety Commission, any interested organizations, and members
12 of the public or private sector. At the hearing, the Legislature
13 shall receive testimony and other information concerning the
14 mission, membership, duties, and operations of the commission.

15 SEC. 12. Section 8870.95 of the Government Code is
16 amended to read:

17 8870.95. The Hospital Building Safety Board established in
18 Section 129925 of the Health and Safety Code shall report
19 annually to the Alfred E. Alquist Seismic Safety Commission.

20 SEC. 13. Section 12804 of the Government Code is amended
21 to read:

22 12804. The Agriculture and Services Agency is hereby
23 renamed the State and Consumer Services Agency.

24 The State and Consumer Services Agency consists of the
25 following: the Department of General Services; the Department
26 of Consumer Affairs; the Franchise Tax Board; the Public
27 Employees' Retirement System; the State Teachers' Retirement
28 System; the Department of Fair Employment and Housing; the
29 Fair Employment and Housing Commission; the California
30 Science Center; the California Victim Compensation and
31 Government Claims Board; the California African-American
32 Museum; the State Building and Standards Commission; and the
33 Alfred E. Alquist Seismic Safety Commission.